

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

RAYMOND CHARLES JR,
Defendant.

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7:22-CR-154-DC

MOTIONS IN LIMINE

Raymond Charles, Jr., moves the Court to instruct the government and any of its witnesses in this cause not to litigate or re-litigate, motion, recite, allude to, suggest, comment, or refer in any way in the jury's presence to:

1. Defendant moves the Court to limit the government to proving up one prior felony offense. Mr. Charles is accused of being a felon in possession of a firearm, which requires the government to prove that he was previously convicted of a crime punishable by a term in excess of one year. The Defendant would argue that allowing the government to prove up more than one felony, when they need only prove up one for a conviction, would create an unfair prejudice (403) and increase the risk that the Defendant be convicted merely based on the jury's inferred belief that he has a propensity of criminality (404(b)) both of which are disallowed under the rules.

The Court should grant this *in limine* to ensure the jury is not shown irrelevant, unduly prejudicial, confusing, misleading, and prohibited propensity evidence. Moreover, litigating these issues would simply waste the Court's time by introducing numerous facts irrelevant to the charge at hand. Therefore, the Court should grant this motion in full.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ ANTHONY J. COLTON
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the Assistant U.S. Attorney of record.

/s/ ANTHONY J. COLTON

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ORDER GRANTING DEFENDANT’S MOTION IN LIMINE

On this day, the Court considered the Defendant’s Motion in Limine. After reviewing the motion, response, and applicable law, the motion is GRANTED. It is therefore ORDERED that the government shall not introduce:

1. Testimony or evidence regarding more than one prior felony

Signed and Ordered on the ____ day of October, 2022.

DAVID COUNTS
UNITED STATES DISTRICT COURT JUDGE